



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-34212-2025 (O&M)

Anurag Malhotra ...Petitioner

Versus

State of Haryana and others ...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	24.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate, Ms. Dheerja, Advocate
for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

Mr. Ajay Ghangas, Advocate
for respondents No. 2 and 3.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner/complainant under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* ‘BNSS’) seeking cancellation of anticipatory bail granted to respondents No. 2 and 3, namely Hari Das Gupta and Raj Bala, vide orders dated 27.05.2025 and

02.06.2025, respectively, passed by the Court of learned Additional Sessions Judge, Gurugram in case arising out of FIR No. 32 dated 03.03.2024, registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC at Police Station DLF Phase 2, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was got registered by the petitioner against M/s Goldkiest Developers Private Limited and its Directors i.e. the present respondents No. 2 and 3 as well as other co-accused on the allegations that they, in furtherance of a criminal conspiracy hatched with each other, induced the complainant and other innocent buyers to purchase agricultural land/farmhouses by representing that the project was fully approved and by showcasing luxury cars and other representations to gain their confidence. It was alleged that the accused persons showed forged and fabricated approvals and letters to make the complainant believe that all necessary permissions from the competent authorities had been obtained. The complainant further alleged that at the time of execution of the sale deeds, the accused assured provision of passages measuring 11 karam and 7 karam. However, no valid passage existed on the spot and no gift deed (*Hibbanama*) was executed in favour of the Gram Panchayat to reflect the same in the revenue record. It was also alleged that no approval had been obtained from the competent authority for carving out farmhouses and that construction raised by the complainant was demolished by the authorities, causing him huge financial losses. It was further alleged that the accused persons illegally obtained multiple crores of rupees from the complainant and other buyers

through deceitful means by misrepresenting the status of the project and by forging documents, including the *Aks-Sizra* annexed with the sale deeds. After registration of the FIR, investigation proceedings were initiated. Apprehending their arrest, the petitioners, who were in Dubai at that time, filed applications seeking concession of anticipatory bail before the Court of learned Additional Sessions Judge, Gurugram, which were allowed, vide impugned orders, and they were granted concession of anticipatory bail. The petitioner, who is originally complainant in the present case, has filed the present petition seeking cancellation of the anticipatory bail so granted to respondents No. 2 and 3.

3. It is argued by learned senior counsel for the petitioner that the learned Court concerned has failed to appreciate the central and active role of respondents No. 2 and 3 in the conspiracy to extort crores of rupees from innocent home buyers. Respondents No. 2 and 3 were the Directors of the company which sold the farm units to the complainant and other buyers. They were directly involved in inducing *bona fide* purchasers to part with substantial amounts of money on false representations. Custodial interrogation of respondents No. 2 and 3 was essential to unearth the larger scam. The agricultural land of negligible value was sold at exorbitant rates on the false assurance that all statutory approvals had been obtained and that a properly developed gated colony with roads and basic amenities was being carved out. During investigation, forgery of revenue records has surfaced, including fabrication of a road in the site plan/*Aks Shijra* which did not exist in reality. Offences relating to forgery have been added. Respondents No. 2 and 3 and

other accused had not fulfilled the assurance given by them. The offer to repurchase the land at the original price was illusory and mala fide, especially when land prices had increased substantially and a significant portion of the consideration was paid in cash. Respondents No. 2 and 3 were not in India at the time of filing the bail applications. In fact, they were in Dubai at that time. Even the factum of issuance of Look Out Circulars were not mentioned in their bail applications. They had concealed material facts from the Court concerned. They have not even joined investigation after procuring favourable orders from the Court concerned. All these facts were not taken into consideration by the Court concerned while passing the impugned orders. Therefore, it is urged that the petition deserves to be allowed and the benefit of bail granted to respondents No.2 and 3 deserves to be withdrawn.

4. Learned State counsel has not disputed the factual assertions. He has submitted that respondents No. 2 and 3 had joined investigation in compliance with the directions given by the Court concerned.

5. On the other hand, learned counsel for respondents No. 2 and 3 has argued that there is no illegality and infirmity in the impugned orders as the same had been passed after taking into consideration all the relevant facts and circumstances of the case. The dispute is purely civil in nature and has been given a criminal colour with oblique motives. The petitioner is Director in multiple companies and a designated partner in LLPs, fully conversant with property transactions and regulatory frameworks. It is contended that the petitioner and his firm purchased agricultural land through four registered sale

deeds on different dates after paying the entire consideration at or around the time of execution. Each sale deed clearly records that the land was agricultural in nature, sold on an “as is where is” basis, and that the vendee had conducted due diligence. A private passage was carved out for access, without forming part of the sale consideration. The repeated purchases on different dates demonstrate the petitioner’s complete satisfaction with the earlier transactions. The part of the same land was sold to another purchaser, Vivekabhilash Sharma, on identical terms and the petitioner later purchased that very land from him at more than double the price. This subsequent transaction itself demolishes any allegation of cheating or fraud. It is argued that after the Haryana Government issued the CLU policy dated 17.09.2021 requiring a 6 karam (33 feet) revenue rasta or donated passage, the petitioner sought to pressurize the vendors to execute a *Hibbanama* of valuable private land in favour of the Gram Panchayat to enhance the commercial value of his holdings. Upon refusal, he initiated criminal proceedings as a pressure tactic. No such promise of executing a *Hibbanama* is recorded in the sale deeds. The petitioner has concealed material facts in the present petition. No specific role has been attributed to respondents No. 2 and 3 and only general and vague allegations have been levelled against them. It is further argued that their visit to Dubai was purely for legitimate business purposes and not with any intent to evade the process of law. The factum of their being in Dubai at the time of filing of the anticipatory bail applications was well within the knowledge of the learned Court concerned and the same also finds specific mention in the impugned orders. As regards the Look Out Circulars, it is submitted that there

was no deliberate concealment in any case. Respondents No. 2 and 3 have joined the investigation and have cooperated with the Investigating Agency, thereby dispelling any apprehension of absconding or non-cooperation. There is nothing on record to show that they have misused the concession of bail in any manner. No ground has been made out to interfere with the impugned orders, which are well reasoned orders. Hence, it is urged that the petition deserves outright dismissal.

6. This Court has heard the submissions made by learned counsel for the parties, besides perusing the material placed on record.

7. Before delving into the contentions as raised by learned counsel for the parties, this Court considers it necessary to discuss certain principles which govern the cancellation of bail as enunciated by Hon'ble Supreme Court in various pronouncements. Reference can firstly be made to ***Myakala Dharmarajam v. the State of Telangana : (2020) 2 SCC 743***, wherein it was observed that an order for cancellation of bail can be made only where such order suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail. Reliance can further be placed upon ***Sushila Aggarwal v. State (NCT of Delhi) : (2020) 5 SCC 1***, wherein it was observed that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence,

the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses) or likelihood of his absconding. It was also observed that whether to grant bail or not is a matter of discretion of the Court. Similar position of law had been laid down in ***Dolat Ram and others v. State of Haryana :1995 SCC (1) 349.***

8. In view of the proposition of law as laid down in the above discussed authorities, it is clear that the discretion under Section 483(3) of BNSS is to be exercised only if it is proved that bail has been granted to an accused of a heinous crime in a manner, which smacks of arbitrariness, capriciousness or perversity and on being satisfied on the basis of material placed on record that the accused has actually misused such liberty. On a perusal of the impugned orders, it is apparent that the learned Court took into consideration the nature of allegations, the contents of the sale deeds, the earlier complaints made by the complainant and the role attributed to respondents No. 2 and 3. It is evident from the impugned orders that the learned Court examined the sale deeds in detail and noticed that the properties were sold as agricultural land and not as “farmhouses” as subsequently alleged. The Court also noted that the sale deeds did not contain any stipulation regarding execution of a *Hibbanama* in favour of the Gram Panchayat. The primary dispute was found relating to the passage carved out from the company’s own land and its reflection in the revenue record, which *prima facie* indicated a dispute arising out of contractual terms rather than a clear case of criminality at that stage. The impugned orders also record that the respondents, though residing abroad, had expressed readiness to join

investigation and that nothing was to be recovered from them. The factum of respondents No. 2 and 3 being in Dubai at that time was also noticed by the Court concerned. From a perusal of the impugned orders, it cannot be said that the learned Court ignored material facts or exercised discretion in a perverse or arbitrary manner. The orders reflect due application of mind to the role attributed to the respondents, the documentary nature of the dispute, parity with co-accused and the absence of any immediate necessity for custodial interrogation. No supervening circumstance or misuse of concession of bail has been demonstrated before this Court so as to warrant cancellation of the anticipatory bail granted to them. Cancellation of bail stands on a different footing from rejection of bail at the initial stage. In the present case, the petitioner has essentially sought a re-appreciation of the same material which was available before the Court while granting bail to these respondents. This Court does not find the impugned orders to be perverse or suffering from such serious infirmity as would warrant interference under Section 483(3) of the BNSS. Even there is no allegation that respondents No. 2 and 3 have misused the concession of bail in any manner or have influenced the course of investigation or trial. Accordingly, finding no merit in the present petition, the same is dismissed.

24.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No